

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TYLER MILLER,)	
)	
Plaintiff,)	
)	
v.)	Case No: 3:20-cv-00313
)	
BRIGHTSTAR INTERNATIONAL CORP.)	Judge Waverly D. Crenshaw, Jr.
d/b/a BRIGHTSTAR CORP.,)	Magistrate Judge Alistair Newbern
)	
Defendant.)	

**DEFENDANT BRIGHTSTAR CORP.'S MOTION *IN LIMINE* TO EXCLUDE
TESTIMONY CONCERNING OUT OF COURT STATEMENTS
ALLEGEDLY REGARDING PLAINTIFF'S FURLOUGH**

Defendant, Brightstar Corp. d/b/a Brightstar International Corp. ("Brightstar"), hereby respectfully moves this Court *in limine* for an order excluding all testimony concerning or relating to certain out of court statements alleged by Plaintiff regarding his furlough from Brightstar. In support of this motion, Brightstar states as follows:

In an attempt to confuse the jury regarding his obligations under the Employment Agreement, Plaintiff will likely try to introduce certain out of court oral statements by Phil Mitchell and Plaintiff himself regarding Plaintiff's furlough from Brightstar. (*See* Dkt. 64, at 6 (citing Miller Dep. 113:25-114:10).) Any testimony regarding such out of court statements, however, should be excluded as hearsay under Fed. R. Evid. 802, and should also be excluded pursuant to Fed. R. Evid. 403 because allowing the introduction of such testimony would likely confuse and mislead the jury, unfairly prejudice Brightstar, and lead to undue delay. Plaintiff should therefore be precluded from introducing evidence concerning or relating to such out of court oral statements regarding Plaintiff's furlough.

In further support of this motion, Brightstar submits and relies upon its contemporaneously-filed memorandum of law in support hereof.

WHEREFORE, Brightstar respectfully requests that the Court:

1. Enter an Order excluding all testimony and/or evidence concerning or relating to certain out of court statements alleged by Plaintiff regarding his furlough from Plaintiff; and
2. Granting such further and other relief as the Court finds just and proper.

Respectfully submitted,

/s/ Peter C. Sales

Peter C. Sales (BPR No. 025067)
Frankie N. Spero (BPR No. 29408)
Kristina A. Reliford (BPR No. 037039)
BRADLEY ARANT BOULT CUMMINGS LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
P: (615) 252-2365
F: (615) 252-6365
psales@bradley.com
fspero@bradley.com
kreliford@bradley.com
Attorneys for Brightstar Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being served via the Court's CM/ECF system on the following on this the 27th day of May, 2021:

Eugene N. Bulso, Jr.
Nicholas D. Bulso
BULSO PLC
155 Franklin Road, Suite 400
Brentwood, Tennessee 37027
gbulso@bulso.com
nbulso@bulso.com

/s/ Peter C. Sales
Peter C. Sales